IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1160 OF 2006.
IN
CRIMINAL APPEAL NO. 282 OF 2004

Rajan Pandurang Parkar. ... Applicant.
Versus.
Rameshkumar Ukchand Hirani @ Jain & anr... Respondents.

Shri S.A.Ghaisas i/by Shri A.N.Shetye for the Applicant.

Shri Arfan Sait for the Respondent No.1.

Shri S.R.Shinde, A.P.P. for the State.

CORAM : ABHAY S.OKA, J.

DATED : 18th December, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties.

2. The first Respondent has been convicted for various offences under the provisions of the Maharashtra Control of Organised Crime Act, 1988. He has also been convicted for offences under the Indian Penal Code. The 1st Respondent was enlarged on bail. The present Application is for cancellation of bail granted to the 1st Respondent by this Court in the pending Appeal. The Applicant is a third party who claims to have a monetary transaction with the Respondent No.1. It is alleged in paragraph 7 of the Application that after the 1st Respondent was released on bail, on 27th October 2006

while the 1st Respondent was in Mumbai, the Applicant met him and requested for repayment. In the night intervening 28th October and 29th October 2006 at about 2.00 a.m. the 1st Respondent forcibly entered into the house of the Applicant with six companions and assaulted the Applicant with fist blows and kicks and threatened him with dire consequences, if the Applicant again demands money.

3. As stated earlier, the Applicant is not the complainant and is totally a stranger. If the 1st Respondent has committed any offence, it is for the Applicant to set the criminal law in motion. However, on the basis of allegations made in this Application, the bail granted in favour of the 1st Respondent cannot be cancelled. However, if what is stated in the application is found to be correct, it will be for the State to make appropriate application for cancellation of bail. Subject to what is stated above, the application is rejected.

Judge.